

DoD Travel Issues

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Guiding Principles

- Public office may not be used for private gain
- Federal property may be used only for authorized purposes
- Employees shall avoid creating the appearance that they are violating the law or ethical standards



**WHATCHA
GONNA DO?**

Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.

-- 31 U.S.C. § 1344

- An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by [section 1344](#) of this title) or otherwise violates [section 1344](#) shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

-- 31 U.S.C. § 1349(b) --





SO, ... HOW'S YOUR DAY GOING?

- Only persons whose transportation benefits the Government
- Scheduled and arranged to be the most cost-effective for the Government, not to maximize the personal convenience of the traveler
- Government transportation rules must be applied uniformly and not to selectively benefit someone solely because of rank or position

Modes of Transportation.

Once use of a Government vehicle is determined to be essential to the performance of official business, the following modes of transportation shall be considered in the following order, to the extent it is available and capable of meeting mission requirements:

- Scheduled DoD bus service;
- Scheduled public transportation;
- DoD motor vehicles;
- Rental Car
- Voluntary use of privately owned vehicle (POV) (reimbursable);
- Taxi (reimbursable).





Air Travel

Military Air: There are some “required users” of Military Air for ALL travel (Official and Unofficial):

Secretary of Defense

Deputy Secretary of Defense

Chairman, Joint Chiefs of Staff

Vice Chairman, Joint Chiefs of Staff

(only when acting as Chairman, JCS)

Air Travel

Military Air: There are some “required users”
of Military Air for Official Travel Only:

Military Department Secretaries

Vice Chairman, JCS

Chiefs of Military Services

Commanders of:

International Security Assistance Force –
Afghanistan (US only)

United States Forces, Korea

Combatant Commands

Air Travel

Other “required users” of Military Air for
Official Travel Only:

Under Secretary of Defense for:

- Intelligence
- Policy

[Omitted: USD(P&R); USD(C); USD (R&E);
USD (A&S) – unless “exigencies of their travel
needs prevent the use of commercial aircraft”]

Possible tests of “exigencies”:

- Highly unusual circumstances present a clear and present danger or other emergency; or
- Other compelling operational considerations make commercial transportation unacceptable.

- MilAir may be used by others for non-official business:
 - Must be accompanying a DoD or other Federal official who is traveling on MilAir on official business; and
 - May not displace official travelers or require larger aircraft; and
 - Travel is reimbursable; and
 - Travel must be approved in advance, in writing, on a case-by-case basis.

The MilAir “GURU”

Ann Marra

DoD General Counsel’s Office

Acquisition and Logistics

703-693-1115

Air Travel -- Contractors

- Contractors can not be issued ITAs
- Travel costs of Government contractors are governed by the rules in the FAR as a contract expense

Air Travel -- Contractors

- Contractors may sometimes fly on MILAIR.
 - When required by Government Official
 - Contemplated by the contract to fulfill requirements of the contract
- Generally, travel related items restricted to Government employees may not be given to contractors.

Routing of Travel

- Travel by the usually traveled route unless a different route is “officially necessary”
- Vacation *to* TDY *to* Vacation *or* Residence *or* PDS
- Residence (even if away from PDS) *to* TDY *to* Residence *or* PDS



**MAJOR ACCIDENT
LEFT LANES CLOSED
USE LEFT LANE**

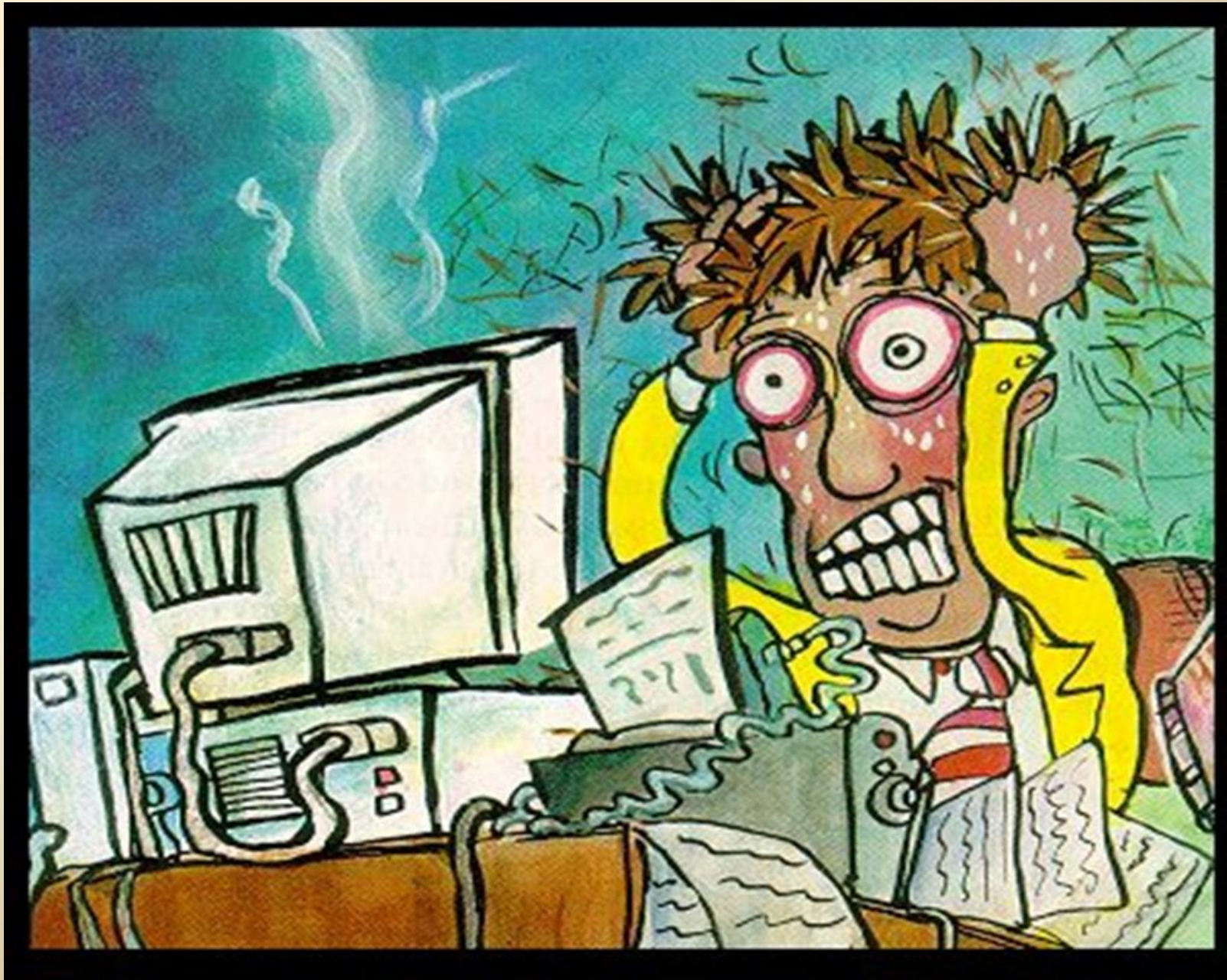
Airline City-Pair Contract Flights

- Seat not available in time to accomplish mission or would require additional per diem
- Preference for travel during normal working hours
- Statutory comp time for travel during non-duty hours (5 U.S.C. § 5550b)
- Lower fare on non-contract carrier available to the general public
- Why use contract carrier anyway?

Commercial Air Travel

- It is the policy of the Government that employees and/or dependents that use commercial air carriers for domestic and international travel on official business shall use coach-class airline accommodations.
- Employees shall ascertain their travel requirements in sufficient time to book coach-class accommodations.

No approval is required to buy or use other than coach-class airfare where the cost is less than the least expensive unrestricted economy / coach class airfare.



Commercial Air Travel

First Class and Premium Class Less than First Class (Business Class) Airline Accommodations can be used only in specified, limited circumstances.

First Class Travel

- Plan in Advance, except for extenuating circumstances or emergency situations
- In the absence of specific authorization/ approval, the employee shall be responsible for all additional costs resulting from the use of first-class air accommodations.

First Class Travel (continued)

- Justifying First Class Travel:
 - Only first class accommodations available; or
 - Other classes not “reasonably available.”
 - There is no requirement to use a flight scheduled to leave more than 24 hours before the employee's proposed departure time, or scheduled to arrive more than 24 hours before the employee's proposed arrival time.
 - There is no requirement to arrive late or leave early in order to be able to use a coach seat.

First Class Travel (continued)

- Justifying First Class Travel (continued):
 - Exceptional security circumstances
 - Coach-class airline accommodations on foreign carriers don't provide adequate sanitation or health standards, and the use of foreign flag air carrier service has been approved
 - Required for Agency Mission
 - Medical condition substantiated by “competent medical authority”

~~XXXXXXXXXX~~
A Professional Corporation
NEUROLOGY

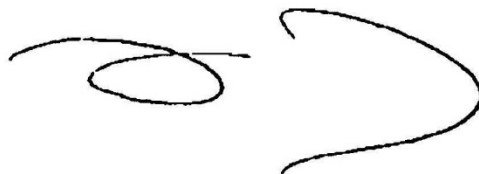
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ALAMEDA, CA. 94501
~~XXXXXXXXXX~~

EEG, EMC &
EVOKED RESPONSES

6/24/09

To Whom It May Concern,

Because of her medical
condition, ~~XXXXXX~~ ~~XXXXXX~~ should
fly first class.

A handwritten signature consisting of a stylized, cursive 'D' shape with a loop at the top left and a long horizontal stroke extending to the right.

First Class Travel (continued)

- Time limits for medical condition:
 - Temporary disabilities/needs: Certifications remain in effect for up to 6 months or the duration of the need, whichever is shorter
 - Permanent disabilities/needs require review and renewal by a physician EVERY 2 YEARS

First Class Travel (continued)

An AO should consider physical characteristics when determining the class of travel and the options for accommodating those special needs. Before approving premium class travel, the AO should consider:

“Economy Plus” / “Coach Elite” /
Bulkhead or
Two coach seats.

Business Class Travel

- Plan in Advance, except for extenuating circumstances or emergency situations
- In the absence of specific authorization/ approval, the employee shall be responsible for all additional costs resulting from the use of business class air accommodations.

Business Class Travel (continued)

- Justifying Business Class Travel:
 - Only premium class accommodations available
 - Space is not available in coach-class airline accommodations on any scheduled flight in time to accomplish the purpose of the official travel, which is so urgent it cannot be postponed

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Medical condition substantiated by “competent medical authority”
 - Exceptional security circumstances
 - Results in Overall Savings to the Government

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Inadequate sanitation or health standards in coach
 - Required for agency mission

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Obtained as an accommodation upgrade through the redemption of frequent traveler benefits.
 - The employee's transportation is paid in full through the DoD component's acceptance of payment from a non-Federal source.

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Long Flight
 - Several Time Zones; and
 - Origin or Destination outside CONUS; and
 - TDY cannot be delayed or postponed; and
 - Scheduled flight time in excess of 14 hours, w/o rest en route or at TDY site before commencing duties at TDY site
 - Only used for flight to TDY location, not return!

Avoid 14-Hour Rule Upgrade

1. Arrive one day early to allow rest; or
2. Rest stop (no more than 24 hours), and arrive on the day the TDY starts

Business Class under this rule may only be used if traveler must arrive on the day the TDY starts, without a rest en route.

- ***The length of flight (14, 20, 30, 40 hours) in and of itself is not sufficient justification to authorize premium class accommodations. The justification must be that the TDY mission was so unexpected that traveler was unable to schedule a flight arriving the day prior to allow rest before starting work or a layover en route to allow rest before traveling on to the destination to begin work. When using flight length to justify business-class accommodations, the business-class authorizing/approving official must cause the travel authorization to be clearly annotated as to when the TDY travel was identified, when travel reservations were made, and the cost difference between coach-class and business-class accommodations.***

**See JTRs Chapter 2 for assistance
in determining if other than
economy-/coach-class travel
may be approved.**

Denied Boarding Compensation

- Involuntary Bumping: Benefits received are considered a form of “liquidated damages” – benefits belong to the Government
- Voluntarily Vacating an Airline Seat: Employee may keep benefits if it doesn't cost the Government more money

Use of Frequent Flyer Benefits

- Old Rule: All benefits belonged to the Government
 - If you commingled benefits, all of them belonged to the Government
- Current Rule: All benefits belong to the Employee
 - Section 1116 of P.L. 107-107 (National Defense Authorization Act of 2002)

Use of Frequent Flyer Benefits

- Includes frequent flyer miles, upgrades, access to airline clubs or facilities
- Applies to employees, family members and dependents who receive promotional items while traveling for the Government
- Includes all promotional items received before, on, or after enactment of the law (2002)

Use of Frequent Flyer Benefits

- Applicable to promotional items obtained whether travel is at the expense of the Government or accepted from a non-Federal source
- Applies to all promotional items obtained while on official travel – including airlines, hotels, and car rental companies

Mandatory Use of the Travel Charge Card

- Public Law 105-264, January 27, 1998, mandates the use of a government furnished travel charge card
- “Infrequent” travelers are exempt

Failure to Pay Charge Card Bills

- Public Law 105-264 permits your agency to offset amounts owed to the travel card company from employees' salaries.
- Offset up to 15% of salary are permissible.
- This permission is discretionary. Thus, there are union consultation issues.

Prompt Reimbursement of Travel Expenses

- Public Law 105-264 mandates reimbursement of travel expenses by agencies to employees within 30 days
- This assures that the traveler will have the money to pay the Government Travel Charge Card when the bill comes due

Car Rental While on Official Travel

- Liability and Vehicle Damage
- Passengers in Rental Vehicle
- Personal Use of Vehicle While TDY
 - Not a violation of “official use” BUT:
 - Personal Liability for Accident
 - DoD prohibits it!

Mass Transit Services

31 U.S.C. § 1344 permits the use of passenger carriers to transport federal employees between their place of employment and mass transit facilities. (31 U.S.C. § 1344(g)) On December 18, 2006, the Deputy Secretary of Defense issued a memorandum implementing this amendment for the Department of Defense. (OSD 18687-06) Note that there are very strict approval authorities, findings, and procedures necessary before this permission may be implemented locally. See Enclosure 5, paragraph 5.b, of DoD Manual 4500.36, “Acquisition, Management, and Use of DoD Non-Tactical Vehicles” July 7, 2015

CLOSING ISSUES

DoD Manual 4500.36

Acquisition, Management, and Use of DoD Non-Tactical Vehicles

July 7, 2015

(Includes Recent Changes)

Joint Travel Regulations

(Updated as of 06/01/20)

THE JOINT TRAVEL REGULATIONS UNIFORMED SERVICE MEMBERS AND DOD CIVILIAN EMPLOYEES

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Mandatory Travel Authorization Statement

All DoD travel requests must include justification that alternate means (SVTC, web-based communications) are not sufficiently able to accomplish travel objectives

Restricted Airfare Rules

The AO may authorize or approve restricted airfares when they are offered to the general public and if trip cancellation would not impose significant costs.

When a City Pair Program fare is available, the AO must use the Restricted Fares Checklist when considering the approval of restricted airfares.

Restricted airfares cannot be applied in a blanket fashion, but can be considered for each trip on an individual basis. For City Pair Program routes, if the contract carrier offers a lower fare, the traveler must use that airline's restricted fare before selecting another airline's restricted economy or coach airfare.

When a City Pair Program Fare is not available, the traveler should use the lowest cost coach-class fare that meets mission requirements.

The AO must consider that if a restricted fare is authorized and then later canceled or changed for official reasons and not for the personal convenience of the traveler, the Government is responsible for any excess costs.

Restricted Airfare Rule Tips

Request assistance from CTO to book a restricted fare through comments via the CTO “Assistance Button” in DTS.

Maintain timely discussions with Authorizing Official and CTO to assure timely approval and ticketing to meet Restricted Airfare requirement.

ECONOMY PLUS/COACH ELITE SEATING

JTRs

Chapter 2, Table 2-4

Travelers Changing Class of Service

QUESTIONS

